

### REMARKS

After entry of the present amendment, 1 to 6, 13 to 18, 23, 24, 27 to 31, 35 to 37, 40 to 44, and 53 to 59 will remain pending. Claims 7 to 12, 19 to 22, 25, 26, 32 to 34, 38, 39 and 45 to 52 are canceled herein, without prejudice. No claims have been added. Claims 1, 13, 16, 18, 23, 27, 35 and 37 have been amended to recite that the first metallic element is  $^{99}\text{Mo}$  and the second metallic element is  $^{99\text{m}}\text{Tc}$ .

#### Restriction Requirement

In the present Office Action, restriction of original claims 1 to 59 between the following groups was required:

- Group I:** Claims 1-36 drawn to a process for separating metal ions.
- Group II:** Claims 37-46 drawn to a process for chromatographically separating metal ions.
- Group III:** Claims 47-52 drawn to a separation column system apparatus.
- Group IV:** Claims 53-59 drawn to a  $^{99\text{m}}\text{Tc}$  generator.

To the extent that the Restriction will be applied to the amended claims, Applicants hereby elect the claims of group IV with traverse while reserving the right to prosecute the claims of non-elected groups in future applications. Applicants note however, that the claims have now been amended to recite the separation of  $^{99}\text{Mo}$  and  $^{99\text{m}}\text{Tc}$ . Accordingly, Applicants respectfully request that the restriction requirement be reconsidered.

According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05-§ 806.05(i)); and
- (B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) to § 806.04(i), § 808.01(a), and § 808.02).

Applicants respectfully submit that Groups I to IV should be rejoined, in view of the present amendments, because examination of these groups together would not impose a serious burden on the Examiner. The groups are related as processes and apparatus for the practice of such processes. Applicants respectfully submit that a search for art related to the

**DOCKET NO.:** BMS-2507 (PH7330A)

**PATENT**


**Application No.:** 10/762,990

**Office Action Dated:** June 22, 2005

methods of Groups I and II would necessarily also uncover art related to the apparatus recited in the claims of Groups III and IV, and vice versa. Accordingly, the same search could be used for examination of all four groups, thereby eliminating any extra burden on the Examiner.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. An early and favorable consideration of the present application is respectfully requested.

Date: July 19, 2006

  
S. Maurice Valla  
Registration No. 43,966

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439